

<b>BQC-94-049</b>
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Date: October 26, 1994

To: Facilities for the Developmentally Disabled

From: Wisconsin Division of Health  
Bureau of Quality Compliance  
Bureau of Public Health

Subject: Tuberculosis: Screening of Employees and Residents

Supersedes BQC 93-010  
FDD 22

The Centers for Disease Control and Prevention (CDC) has identified staff of health care settings, including long term care facilities for the elderly, and facilities for the developmentally disabled (FDD), to be at a greater risk of contracting tuberculosis than the general public. There are several federal and state statutes, regulations and guidelines that reference tuberculosis prevention and control. Among them are:

- Federal home health requirements in 42 CFR Part 483
- Federal Occupational Safety and Health Administration (OSHA) regulations
- CDC Guidelines
- Wisconsin Administrative Code HSS 134
- Wisconsin statutes s. 252.07 (formerly s. 143.06)

The Wisconsin Division of Health (DOH) has reviewed these requirements and guidelines and recommends that all employees and residents of FDDs be screened for tuberculosis infection before they have direct contact with patients.

The enclosed diagrams illustrate the recommended steps to be taken by facilities for the developmentally disabled to screen employees, and the recommended protocols to be followed when an exposure to active tuberculosis occurs. A glossary of terms is also enclosed to clarify the diagrams.

The Americans with Disabilities Act and the Rehabilitation Act of 1973 prohibit the denial of services to a patient, and the termination or non-hiring of an employee based solely on the results of tuberculosis screening. BQC Memo 93-010 was sent to all FDDs in February 1993 to reflect the requirements of this Act. That memo announced a waiver of certain portions of Wisconsin Administrative Code HSS 134, that prohibited employment or access to services based on the general category of communicable diseases. These codes are as follows:

- 134.51(1)(c)
- 134.52(2)(d)
- 134.44(5)a
- 134.44(b)

These Wisconsin Administrative Code provisions prohibited employment or access to services based on the general category of communicable diseases. The waiver of these provisions does not relieve a facility from its responsibility to protect resident and employee health safety and welfare through the use of effective infection control measures.

The language pertaining to tuberculosis screening for employees in HSS 134.44(5)a remains in effect. Effective immediately, a registered nurse may administer and interpret tuberculosis skin tests of new and continued employees. It is the responsibility of each agency to assure that the person doing the screening is qualified to do so. A history of BCG vaccine does NOT exempt any employee from conforming to these recommendations. WRITTEN documentation of screening of new employees by a physician or registered nurse within 90 days before beginning work is considered to be consistent with these recommendations.

Noncompliance with these requirements may result in citations and possible forfeitures assessed against the facility by OSHA. Enclosed is a copy of the OSHA "Enforcement Policy and Procedures for Occupational Exposure to Tuberculosis," dated October 8, 1993. This document contains the referenced OSHA requirements and should be reviewed by appropriate facility staff. The Bureau of Quality Compliance will not be assessing the facility's compliance with OSHA regulations during the annual survey process. However, if deemed necessary, BQC may make referrals to the OSHA regional office for their review.

Please report any suspect or active cases of tuberculosis to your Regional Field Operations Director, in addition to local or state public health agencies, as required by Wisconsin Administrative Code HSS 145.

Information on screening protocols may be obtained from Dawn Tuckey, Bureau of Public Health at (608) 266-9452. If you have any questions, or require clarification on this memo, please call Thomas Haupt, Bureau of Quality Compliance at (608) 267-1445. Information on OSHA requirements may be obtained from Terry Moen, Bureau of Public Health at (608) 266-8579.

Attachments: Glossary  
Screening Steps  
OSHA Enforcement Policy and Procedures  
BQC-93-039